

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
March 25, 2003**

The meeting of the Winter Park City Commission was called to order by Mayor Roland Hotard at 4:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was offered by Pastor Jim Book, First Christian Church, followed by the Pledge of Allegiance.

PRESENT: Mayor Roland Hotard, III (called the meeting to order); newly elected Mayor Kenneth "Kip" Marchman, Commissioners Douglas Storer, John Eckbert and Douglas Metcalf; City Attorney C. Brent McCaghren; City Manager James Williams and City Clerk Cynthia Bonham. Commissioner Barbara DeVane was absent.

PRESENTATION TO OUTGOING MAYOR TERRY HOTARD

Departing Mayor Terry Hotard was recognized by Vice Mayor Doug Storer by providing comments and a resolution about Mayor Hotard's accomplishments during the nine years of service.

A gift was also presented to Mayor Hotard from City employees expressing their appreciation for his support. Plaques were also presented from the police and fire departments showing their appreciation. Mr. Stanley Wilson, Good Government Group, also presented a certificate to Mayor Hotard acknowledging their appreciation for his hard work.

SWEARING-IN CEREMONY FOR NEWLY ELECTED MAYOR:

Newly elected Mayor Kenneth R. "Kip" Marchman received the Oath of Office from Former Mayor Daniel M. Hunter. Mayor Marchman introduced his family and thanked his campaign helpers and the many other people who made his campaign for Mayor a success. He spoke about the need to work together to preserve Winter Park and that he looks forward to working with the Commissioners and the excellent City staff. He also thanked Mayor Hotard and his wife Diane for their many years of valuable service to the City. He concluded by thanking everyone for attending this evening.

MAYOR'S REPORT:

- a) It was announced that the Civil Service Board vacancy appointment was no longer necessary because Ms. Graham stated she would be attending all future meetings.
- b) Mayor Marchman nominated Tom Alday to the Planning and Zoning Commission to replace himself and Patrick Doyle as the alternate. **Motion made by Commissioner Storer to confirm the appointment, seconded by Commissioner Eckbert and carried unanimously.**

CITY ATTORNEY'S REPORT:

RESOLUTION NO. 1817-03: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, RECOGNIZING THE CONTRIBUTIONS OF ROLAND "TERRY" HOTARD, III DURING HIS NINE YEARS OF SERVICE TO THE CITY OF WINTER PARK.

This resolution was previously read by Vice Mayor Storer and presented to Mayor Hotard.

Motion made by Commissioner Eckbert to adopt the resolution, seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and Metcalf voted yes. The motion carried with a 4-0 vote.

- a) RESOLUTION NO. 1818-03: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA DESIGNATING THE PROPERTY LOCATED AT 1273 RICHMOND ROAD, WINTER PARK, FLORIDA, AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney McCaghren read the resolution by title. No public comments were made.

Motion made by Commissioner Eckbert to adopt the resolution, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and Metcalf voted yes. The motion carried with a 4-0 vote.

- b) RESOLUTION NO. 1819-03: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA DESIGNATING THE PROPERTY LOCATED AT 557 OSCEOLA AVENUE, WINTER PARK, FLORIDA, AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney McCaghren read the resolution by title. No public comments were made.

Motion made by Commissioner Eckbert to adopt the resolution, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and Metcalf voted yes. The motion carried with a 4-0 vote.

- c) RESOLUTION NO. 1820-03: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA DESIGNATING THE PROPERTY LOCATED AT 762 ANTONETTE AVENUE, WINTER PARK, FLORIDA, AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney McCaghren read the resolution by title. No public comments were made.

Motion made by Commissioner Eckbert to adopt the resolution, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and Metcalf voted yes. The motion carried with a 4-0 vote.

- d) RESOLUTION NO. 1821-03: A RESOLUTION OF THE CITY COMMISSION OF WINTER PARK, FLORIDA PROVIDING FOR THE ESTABLISHMENT OF A PARKING TASK FORCE TO PROVIDE GUIDANCE IN EVALUATING THE CITY'S DOWNTOWN PARKING CONDITIONS, NEED FOR NEW FACILITIES AND FINANCING METHODS; PROVIDING A TIME TABLE FOR THE TASK FORCE ACTIVITIES; AND PROVIDING FOR THE SUNSET OF THE TASK FORCE.

Attorney McCaghren read the resolution by title. No public comments were made.

Motion made by Commissioner Storer to adopt the resolution, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and Metcalf voted yes. The motion carried with a 4-0 vote.

CONSENT AGENDA:

- a) Approve minutes of 3/11/03.
- b) Receive the presentation by Engineering & Computer Simulations, Inc. and members of the Center for Advanced Transportation Systems Simulation (CATSS) on the Winter Park element of the commuter rail simulation.
- c) Extend Section 6, Removal of Trees, Berm and Plantings, of the agreement regarding Casa Feliz for an additional 24 months to June 29, 2005, as requested by Wayne and Judy Heller.
- d) Approve the purchase of the property from Valencia Community College on New England Avenue at a cost of \$265,000 with CRA funds. Allow the City to sell to Valencia the 50' x 80' portion of the Vickers property at 851 W. New England Avenue that extends into their parking lot for \$51,600, netting a \$213,400 cost to the City for the property.
- e) Receive the presentation by KPMG LLP of the Comprehensive Annual Financial Report for the year ended September 30, 2002.
- f) Approve the site dedication of Phelps Park as an outdoor recreation area as a requirement of the FRDAP Grant.
- g) Receive the warrant analysis for a stop sign at Loch Berry Road and Langholm Drive. Approve the request from Mr. Shawn Stewart to install a multi-way stop sign at this location based upon the lack of sidewalks and the presence and safety of children. Agree to monitor the affects of the stop sign with regard to speed and traffic volume.
- h) Approve the request of the Police Department for a criminal investigator due to the recently annexed Fairbanks Avenue corridor to the west and other recently annexed properties. Also, approve the expenditure for four additional patrol officers if the proposed Lee Road corridor annexation occurs.
- i) Approve budget adjustments as follows:
 - 1) Transfer \$1,645 from Public Works to ITS Internal Service Fund to replace a computer.
 - 2) Transfer \$1,000 from the Stormwater Capital Projects Fund to the special project account for the Central Park Rose Garden to construct the storm drain necessary as part of this project.
- j) Approve bids, purchases and change orders as follows:
 - 1) PR's for new and replacement vehicles from State Contracts as listed, total: \$496,069.00 (Budget: Vehicle Replacement)
 - 2) Change Order #3, Jack Jennings & Sons, Inc. for RFQ-1-2000: Public Safety Building as per attachment, \$9,383.74 (Budget: CIP)
 - 3) RFP-9-2003, Professional Dry Cleaning of Public Safety Personnel to Priceless Dry Cleaners, pricing attached (Budget: Accounts using the service)
 - 4) Bid WP-4-2003, annual bid for purchase of Safety Gloves, as a multiple award per tabulation attached (Budget: Departments using item)
- k) Review calendar and update with upcoming events.
- l) Receive updates concerning Progress Energy (Florida Power Corporation) and City Hall redevelopment (none given).

There were no public comments made. **Motion made by Commissioner Storer to approve the Consent Agenda, seconded by Commissioner Eckbert and carried with a 4-0 vote.**

CITY MANAGER'S REPORT:

- a) Request from the American Cancer Society to waive police and fire fees for the Relay for Life event in Winter Park.

City Manager Williams explained the request to waive all police and fire service fees. Commissioner Metcalf spoke regarding the lack of available funding for waivers; the worthy charities that come before the Commission asking for fee waivers; and having the present, tightest City budget in several years. Commissioner Eckbert spoke about being uncomfortable with determining fee waiver requests by having to evaluate the relative merits of each organization. He spoke that future waiver requests should be a part of the budget process. Commissioner Storer spoke in support of the request because it was funded last year and they were counting on the City's support this year. He stated he is also going to support any future actions of fee waiving by including those requests in the budget cycle. Mayor Marchman addressed the success of the American Cancer Society and the need to develop criteria to deal with these type of requests. He spoke that he cannot support this waiver request due to the tight police and fire budgets.

Motion made by Commissioner Metcalf to deny the request of the fee waiver, seconded by Commissioner Eckbert, and carried with a 3-1 vote with Commissioner Storer voting nay.

- b) Central Business District Master Parking Plan Scope and Contract with Glatting Jackson and St. Joe Commercial.

City Manager Williams stated this item was discussed yesterday but that the Commission wished additional information in certain areas. He suggested to bring this back at the next meeting to allow them time to evaluate and to modify the scope of work to address issues regarding traffic levels and concerns with existing parking for businesses. Mayor Marchman asked for more time to study this and commented that the study needs to be done but he had concerns with the cost and some items within the scope. Other comments were made regarding the need to review the scope of work and the associated costs. There was consensus to discuss this on the next agenda.

- c) City employees called to active military duty.

City Manager Williams addressed the City employees currently in the military and the Iraqi war. He addressed the current military leave policy and the City of Orlando policy as related to pay for the employee, medical benefits and death and life insurance benefits. He stated that staff agrees to amend the policy in line with the City of Orlando. There was consensus to change the personnel policy to reflect the changes in active military duty as presented.

PUBLIC HEARINGS:

- a) Consideration to amend the Schedule of Winter Park Service and User Fees.

Attorney McCaghren spoke about the ordinance authorizing the schedule of user fees that requires a public hearing be held before any revisions or updates can be made.

No public comments were made.

Motion by Commissioner Metcalf to approve the Schedule of Winter Park Service and User Fees to become effective April 1, 2003, seconded by Commissioner Eckbert and carried unanimously.

- b) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING A FIFTEEN FOOT WIDE PORTION OF THE RIGHT-OF-WAY OF VIA TUSCANY LYING EAST OF 2615 VIA TUSCANY BUT RESERVING A UTILITY EASEMENT, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Attorney McCaghren pointed out an error in the address as reflected within the ordinance. He read the ordinance by title with the proper address. Planner Jeffrey Briggs addressed the request to abandon 15' of the right-of-way. He stated that the right-of-way is wide and because of this, staff is in agreement. He spoke that additional requests will be handled on a case by case basis and that the City will reserve a utility easement. The applicant was present but did not wish to comment. No public comments were made.

Motion made by Commissioner Storer to accept the ordinance on first reading, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and Metcalf voted yes. The motion carried unanimously with a 4-0 vote.

- c) Request of Stephen Abrams for the property at 1412 Trovillion Avenue:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 LAND DEVELOPMENT CODE, ARTICLE I, "COMPREHENSIVE PLAN" AND THE FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF MULTI-FAMILY RESIDENTIAL TO OFFICE ON THE PROPERTY LOCATED AT 1412 TROVILLION AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 LAND DEVELOPMENT CODE, ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT TO OFFICE (O-2) DISTRICT ON THE PROPERTY LOCATED AT 1412 TROVILLION AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Attorney McCaghren read both ordinances by title. Planner Jeffrey Briggs spoke that Mr. Abrams has a contract to purchase the property and summarized its location. He stated that the Planning and Zoning Commission agreed with the request due to the location being compatible with the neighborhood. He addressed the two conditions imposed by the P&Z that the applicant is in concurrence with.

The applicant was present but did not speak. There were no public comments made.

Motion made by Commissioner Metcalf to accept the comprehensive plan and future land use ordinance on first reading, including the two P&Z conditions that pursuant to the plans submitted as may be amended by the Town Designer; and staff review and approval of the final landscape plan, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and Metcalf voted yes. The motion carried with a 4-0 vote.

Motion made by Commissioner Eckbert to accept the zoning ordinance on first reading, including the two P&Z conditions as stated above, seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and Metcalf voted yes. The motion carried with a 4-0 vote.

d) Request of Sydgan Corporation for property at 301 West New England Avenue:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 LAND DEVELOPMENT CODE, ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT TO CENTRAL BUSINESS (C-2) DISTRICT ON THE PROPERTY LOCATED AT 301 WEST NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Attorney McCaghren read the ordinance by title. Planner Jeffrey Briggs stated the applicant is asking that the zoning be changed on the former Grant Chapel property which has closed and the property sold. He spoke about changing the comprehensive plan in 1995 for all the lots that front on New England Avenue from residential to commerce which permits and entitles property owners to either office or commercial zoning. He spoke that the C-2 zoning has been utilized because of trying to mimic an extension of Park Avenue down New England Avenue. He stated the applicant plans to keep the building in tact to lease to a commercial tenant. He spoke that this property will be a part of a larger redevelopment program but that for now this will become the property use. He spoke that if the applicant changes his plans for the building that he needs to again go back through this process.

Mayor Marchman called for public comments. The following spoke:

Lurline Fletcher, 790 Lyman Avenue, spoke against eliminating residential on the westside.

Joe Terranova, 700 Melrose Avenue, spoke in regard to the CRA Advisory Board and confirmed the zoning of this property being commerce which allows the property owner to change the zoning. He then spoke that the Bridge Builders would like to see the building preserved.

Kathy Stewart, 350 S. Pennsylvania Avenue, spoke in opposition to the request. She asked to preserve the multi-function designation on this property and the next two properties to be discussed.

Joe Funaro, 360 S. Pennsylvania Avenue, spoke against the request because of concerns about preserving residential on the westside.

Michelle Rodriguez, 1667 N. Park Avenue, spoke about the lack of a mixed use zoning and this zoning becoming C-2. She stated that the City needs to define mixed use because of it being a part of the future land use map.

Eula Jenkins, 434 Garfield Avenue, spoke about the need to preserve residential on the westside.

No further public comments were made.

Discussion ensued regarding the future land use designation of this property. Mr. Briggs clarified the history of the zoning. Commissioner Eckbert addressed concerns with losing residential in the CRA area. He spoke about the need for commercial and increasing property values to provide an increased flow of funds into the CRA for reinvestment or improvement purposes.

Commissioner Metcalf spoke about the importance of upgrading certain areas of the CRA to create funds for building homes. He spoke about the many projects in the westside that have provided new and improved housing for residents. He stated that this project will not lose residents but will allow an element for the property value to increase and to provide more affordable residences. He commented about other pending projects that will also bring more residential to the CRA area in the near future.

Commissioner Storer spoke about the need to bring more houses into the area and to re-commit to a CRA plan and goals that the community believes in. He stated this request is an investment they are making in the future for residential. Mayor Marchman spoke about the importance of preserving the residential properties currently present in this area and about the New England Avenue zoning and future plans.

Motion made by Commissioner Storer to accept the ordinance on first reading, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and Metcalf voted yes. The motion carried with a 4-0 vote.

e) Request of Sydgan Corporation for properties at 330/340/350/360 S. Pennsylvania Avenue and at 315/325/335/345 E. Hannibal Square:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 LAND DEVELOPMENT CODE, ARTICLE I, "COMPREHENSIVE PLAN" AND THE FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF MULTI-FAMILY RESIDENTIAL TO CENTRAL BUSINESS DISTRICT ON THE PROPERTIES LOCATED AT 330/340/350/360 SOUTH PENNSYLVANIA AVENUE AND AT 315/325/335/345 EAST HANNIBAL SQUARE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 LAND DEVELOPMENT CODE, ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF MULTI-FAMILY RESIDENTIAL TO CENTRAL BUSINESS DISTRICT ON THE PROPERTIES LOCATED AT 330/340/350/360 SOUTH PENNSYLVANIA AVENUE AND AT 315/325/335/345 EAST HANNIBAL SQUARE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Attorney McCaghren read both ordinances by title. Planner Jeffrey Briggs explained the above addresses relating to the four duplexes located on four lots in the block bounded by Pennsylvania Avenue, New England Avenue, East Hannibal Square and Lyman Avenue to the south. He stated the entire block consists of 12 lots and that the north six lots on New England, Pennsylvania and Hannibal Square is where the Dexter's building redevelopment occurred. He stated those six lots were historically zoned commercial prior to any CRA activities. He addressed the original commercial zoning of the Hannibal Square area and that these four lots consisting of duplexes are located between two commercial properties with R-3 zoning. He further addressed the zoning history of this area during the establishment of the CRA in 1994 and the comprehensive plan that was not changed at that time.

Mr. Briggs explained the property is now owned by the current applicant who wants to rezone the property to commercial zoning and also the corner of Pennsylvania and Lyman for a mixed use development similar to the Dexter's building consisting of retail on the ground floor and apartments on the upper levels. He spoke about the two Planning and Zoning Commission member concerns about the request being premature when a redevelopment plan has not been submitted and the other two members being in favor the rezoning with the understanding that anything built over 250 square feet will come back before them and they can insist upon the uses deemed appropriate at that time.

Commissioner dialogue took place regarding the P&Z motion to deny and the discourse of the P&Z about the lack of a specific plan and whether the rezoning should wait until a plan is submitted. The concern of not knowing at this time what portion of the property will be commercial versus residential was addressed. Mr. Briggs stated the Commission could place conditions upon the zoning ordinance to ensure what the mix would be. He stated the P&Z did not discuss that at their meeting.

Applicant Dan Bellows, 533 New England Avenue, asked for an opportunity for a rebuttal after public comments were heard. Mayor Marchman stated this is allowed and that the written staff recommendation is for support. He spoke about the history of the duplexes. Mr. Bellows addressed the Hannibal Square Parking Plan which he stated shows these parcels becoming a structured parking lot. He stated they would like to provide this parking garage with 4,300 square feet of retail space on the ground level and 2-3 levels of residential dwellings that meet the existing height of the Dexter's building which will help address the City's parking issue across from Dexter's. He stated this would provide 16 apartments and an excess of 125 new parking spaces after the parking is deleted from the 170 total new parking spaces for the 16 dwellings and the retail. He stated that the private development along New England Avenue is consistent with the CRA plan and expects to provide commercial/residential mixed uses within the developments in that location. He stated it was his understanding that he needed C-2 zoning to build structured parking. He also commented that they do not intend to involve the Baker property but believed it should be.

Commissioner Storer asked Mr. Bellows if he would be willing to guarantee 16 units of multi-family housing. Mr. Bellows agreed to this and stated that it would become ground floor commercial and the balance of the building would become 16 residential units. Mr. Bellows clarified \$600,000 in the budget where staff agreed to keep the funds budgeted for the purchase of this land towards providing parking options. He stated he will be coming back to the Commission if this is approved with the plans and a budget showing the building, its worth, the tax increment valuation it will provide and the number of residential units. He will ask that the City provide the \$600,000 toward

this at minimum. He reminded the Commission that the City still owes him 37 parking spaces across the street.

Mary Daniels, 650 Canton Avenue, spoke about the need to preserve the residential properties.

Kathy Stewart, 350 S. Pennsylvania Avenue, spoke against the request. She asked that the CRA plan be revisited and that no other zoning decisions take place until after this has been done. She spoke that projects like this one will be destructive to the CRA and that the residential needs to be preserved.

Michelle Rodriguez, 1667 N. Park Avenue, addressed the future land use map and mixed use designation and also the City's interpretation of changing the designation to C-2. She spoke about the need to define the parameters of mixed use and need to ensure that this property also includes the residential units as brought forward.

Janie Baker, business owner at 311 N. Pennsylvania Avenue, asked that the residential be preserved on the westside of Winter Park. She addressed concerns with losing residents in this area and stated she did not know that her property was included in this project.

Irwin Taylor, 797 Pinetree Road, suggested the Commissioners be elected from an appointed sector of the City so all areas are equally represented.

Jane Taylor, 797 Pinetree Road, spoke that the Commission should listen to the westside residents.

Martha Hall, 331 W. Lyman Avenue, asked that the westside remain residential.

Lurline Fletcher, 790 Lyman Avenue, addressed the need for the residents to be a part of work sessions affecting their neighborhoods. She was opposed to losing more residential and the addition of parking lots that she believed would bring traffic down her street. She asked for denial of the request to rezone.

Joe Funaro, 360 S. Pennsylvania Avenue, stated that he is a current resident of the property in discussion. He asked that the City spend more time planning with the residents. He spoke against the project and addressed vacant properties that could be utilized.

Joe Terranova, 700 Melrose Avenue, spoke that the \$600,000 in the CRA budget is for the purchase of property for alternative parking so Shady Park could be expanded. He spoke that as of this time no commitment has been made to his knowledge by the CRA Advisory Board for the use of this money. He spoke about the decision made that commercial would exist in this area to fund other projects and development. He addressed the request to rezone and commented that he did not believe it necessary that a property owner have a plan for building if they ask for a rezoning change as long as it fits into the City's comprehensive land use plan. He stated it is a good idea for Mr. Bellows to submit his plan and guarantee residential units.

Applicant Dan Bellows, 533 W. New England Avenue, provided his rebuttal. He clarified that the City did not give him \$800,000 to purchase the property nor did the City promise him the \$600,000 in the budget. He spoke that the City engaged a realtor and submitted a written contract for \$700,000 to purchase the property in question to use for commercial parking. He stated he has the

reasonable expectation to utilize this property for parking or to follow the plan the City generated. Mr. Bellows summarized the lots he has sold to the City to help jumpstart the Affordable Housing Program, the lots he traded with the City for residential development, and multiple residential units he has agreed to build. He spoke that he supports residential and the mixed use development and is adhering to the CRA plan that was adopted in 1994.

Commissioner Storer spoke about the Hannibal Square Parking Study which was an increasing concern of continual requests from developers to rezone residential properties for parking lots. He spoke against incremental approvals and that he was not sure as to what his vote this evening would do so he is denying this until more specific plans come forward. He wanted to invite community debate and to determine the tradeoff with enhancing residential on these properties.

Commissioner Metcalf spoke about being committed to more residential on the westside and not having homes demolished one at a time for small parking lots. He stated the request provides more residential units than is currently there which meets some of the current goals. He spoke that he would prefer to see the project plans for this property before agreeing to rezone and would be inclined to look at this positively if it came to them in this format.

Commissioner Eckbert addressed the excessive cost of property in the CRA area. He spoke that it is appropriate to see the plans for this site before they consider the rezoning. He suggested that Mr. Bellows come back with a plan.

Mayor Marchman commented that a distinction can be made because the future land use of this property is multi-family and the future land use of the previous request was commerce. He spoke that he did not want to allow the change in zoning because they need to know in more detail exactly what is being proposed. He addressed the necessary deed restrictions and stated the request should be denied at this time.

Mr. Bellows asked to withdraw his request. Discussion ensued regarding the request to withdraw the request versus tabling the item. Attorney McCaghren explained that by denying the request, the applicant cannot reapply for the same rezoning for a year without having the time waived by an affirmative vote of four Commission members. He stated if the application was withdrawn, the one year would not apply.

Commissioner Storer stated he is considering tabling this item only because if it came before them again, he would want to consider it and have public discussion concerning the plan. He stated that he wants to see more detail with the plans before a rezoning is approved.

Motion made by Commissioner Storer to table this item, seconded by Commissioner Metcalf and carried unanimously with a 4-0 vote.

f) Request of Sydgan Corporation for the property at 430 West New England Avenue:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 LAND DEVELOPMENT CODE, ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF MULTI-FAMILY RESIDENTIAL (R-3) TO CENTRAL BUSINESS DISTRICT (C-2) ON THE PROPERTIES LOCATED AT 430 WEST NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Attorney McCaghren read the ordinance by title. Planner Jeffrey Briggs spoke about the request to change the zoning and summarized the location and proposal for the property. He stated the request is before the Commission so they can retain the existing two story apartment building and build a two story addition onto the front of the building on New England Avenue which would have ground floor retail or office and two apartments upstairs. He spoke about the parking spaces currently at that location being a dangerous situation because of vehicles backing into the traffic on New England Avenue without having the visibility of oncoming traffic. He stated they will solve their need for parking in the interim by using the existing parking lot adjacent to the Ewing-Noble building. He concluded that this request is continuing the redevelopment on New England Avenue in conformance with the comprehensive plan, is utilizing an existing parking lot, is eliminating a traffic safety situation, and is maintaining all current residential units plus adding two additional ones and ground floor retail space. He addressed the deed restriction that forces the second floor to always remain residential.

Dan Bellows, 533 W. New England Avenue, stated the request is consistent with a developer's agreement he has with the City which included other conditions that he has adhered to. He clarified that there is no on-street parking in front of this building and will be installing curb across the front and creating 5 new on-street parking spaces; 4 of which he is receiving credit for. He spoke about the deed restriction as related to residential use on the second floor of the existing building which is only tied to the fact that he is limited by parking. He stated that he would like the option to put office on the second floor of the existing building if he ever creates additional parking. He spoke that the design fits in front of the existing building and maintains the existing tenants with an additional two residential units, plus retail units. Mr. Bellows summarized the proposed parking spaces and where the residents will be parking.

Mary Daniels, 650 Canton Avenue, asked for clarification of the location of this request.

Kathy Stewart, 350 S. Pennsylvania Avenue, opposed the request because of the project being built in front of residential.

Lurline Fletcher, 790 Lyman Avenue, asked about the loss of parking and where the parking will be located for this property. She spoke against vehicles parking on the street.

No further public comments were made.

Commissioners Storer, Eckbert and Metcalf spoke in agreement with the design and the request. City Attorney McCaghren commented about the conditions that can be imposed on Mr. Bellows if this request is agreed upon.

Motion made by Commissioner Metcalf to accept the ordinance on first reading, including a restrictive covenant limiting the use of the second floor as residential; that the construction be in substantial conformity with the plans and elevations submitted this evening; and to provide for the parking that when the construction is completed that the applicant will be given credit for four of the parking spaces that will parallel the public spaces on New England Avenue but that the parking lot adjacent to the Ewing Noble building will be encumbered to meet the other parking. Seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and Metcalf voted yes. The motion carried with a 4-0 vote.

g) Request of the City of Winter Park:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO AMEND THE R-1AAA, R-1AA, R-1A AND PURD ZONING DISTRICTS TO PROVIDE AN OPTION TO PROVIDE A SECOND KITCHEN ON PROPERTIES CONTAINING HOMES AT LEAST 5,000 SQUARE FEET IN SIZE AND WHERE A DEED RESTRICTION IS EXECUTED WITH CERTAIN CONDITIONS. First Reading

Attorney McCaghren read the ordinance by title. Planner Jeffrey Briggs explained the need to allow houses 5,000 square feet and larger in size to have second kitchens. He spoke about the Planning and Zoning Commission being in agreement with the ordinance. It was clarified that requests for a second kitchen within homes under 5,000 square feet is currently prohibited within the Land Development Code and that this pertains to both separate and combined structures.

Dan Bellows, 533 W. New England Avenue, spoke in favor of the ordinance. He addressed the houses on his street containing guest houses with additional kitchens and that no problems have surfaced with this. He spoke that this ordinance would clear up his pending issues with the City.

Motion made by Commissioner Eckbert to accept the ordinance on first reading, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Eckbert and Metcalf voted yes. Commission Storer voted no. The motion carried with a 3-1 vote.

h) Request of the City of Winter Park:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO AMEND THE R-1AAA, R-1AA, R-1A AND PURD ZONING DISTRICTS TO PROVIDE A CORRECTION IN THE FLOOR AREA RATIO ALLOWANCE FOR PROPERTIES IN THESE ZONING DISTRICTS. First Reading

Attorney McCaghren read the ordinance by title. Planner Jeffrey Briggs explained the codes were previously amended to enlarge the floor area ratio (from 30% to 33% on large lots; and 35% to 38% on small lots). He addressed the problem in the floor area ratio provisions which this ordinance corrects.

No public comments were made.

Motion made by Commissioner Storer to accept the ordinance on first reading, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and Metcalf voted yes. The motion carried with a 4-0 vote.

i) Request of the City of Winter Park:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO AMEND SUBSECTION 58-64(D) "NONCONFORMING STRUCTURES TO CLARIFY THE EXTENT OF WORK WHICH CAN TAKE PLACE ON NONCONFORMING STRUCTURES. First Reading

Attorney McCaghren read the ordinance by title. Planner Jeffrey Briggs spoke about nonconforming structures that no longer meet the setbacks or codes. He explained what the current code is lacking and that this ordinance clarifies the glitch within the ordinance that deals with nonconforming structures.

Attorney Hal Kantor of the Lowndes, Drosdick, Doster, Kantor and Reed law firm, requested to consider an exception to the nonconforming structure ordinance as it relates to boat docks and boat houses because they are more inclined to deteriorate over time. He asked that the City allow the maintenance and repair of those facilities as long as the degree of nonconformity is not increased, i.e., not enlarge the boat house or extend the dock but can repair the roof and structure as long as the structure exists.

No other public comments were made.

Building Official George Wiggins stated that the intent of the ordinance does not prohibit repairs to accessory building structures/boat houses in disrepair. He spoke that this clarifies what is already in the code and further explained the intent of the amendments. He stated that he is in agreement with the language within the ordinance as written and presented this evening.

Commission comments ensued regarding this issue and clarifications that need to be made within the ordinance regarding boat docks and boat houses.

There was consensus to postpone the first reading of this ordinance until April 8, 2003.

NEW BUSINESS:

1. Commissioner Eckbert asked about the conformity of Mr. Bellows' developer's agreement with regard to Carolina Avenue. Attorney McCaghren stated Mr. Bellows is in compliance with the agreement and is currently meeting his time limits. He has begun construction on one property and intends to start the second.

2. Commissioner Eckbert spoke about the sex offender that has moved into the Cypress Point area of Winter Park. Police Chief Ball explained the law as related to this and what they are doing as the police department to keep abreast of the situation.

3. Commissioner Storer explained that he voted against the issue of the two kitchens because he is unclear as to what that may result in. He asked for clarification of this issue and the effect of the ordinance. He spoke about a residence on Glenridge that built a house in the back of the property and is also currently under construction of a new front house. He added that there are consistently 5-6 trucks at that location and there are multiple tenants. City Manager Williams stated they will check into this.

Mayor Marchman adjourned the meeting at 8:23 p.m.

Mayor Kip Marchman

ATTEST:

City Clerk